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John R. Pivnichny IBM Corporation Dept IQ0A, Bldg. 40-3 1701 North Street Endicott, NY 13760			CHONG CRUZ, NADJA N	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/796,367	<b>Applicant(s)</b> RACKHAM, GUY J.	
	<b>Examiner</b> NADJA CHONG CRUZ	<b>Art Unit</b> 4143	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☒ Claim(s) 6, 8, 10, 19 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9 Mar 2004, 19 Nov 2004 &amp; 15 Feb 2006</u> .               | 6) <input type="checkbox"/> Other: _____.                         |



## **DETAILED ACTION**

### **Status of Claims**

1. This action is in reply to the application filed on 9 March 2004.
2. Claims 1 - 25 are currently pending and have been examined.

### **Drawings**

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because Figure **3, 4, 5** and **6**, they do not include any reference sign(s). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
4. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

### Specification

5. The disclosure is objected to because of the following informalities: the specification does not include any reference character(s) for the following figures: **3, 4, 5** and **6**. Appropriate correction is required.

### Claim Objections

6. Claims 6, 10 and 21 are objected to because of the following informalities:  
As per Claim 6, it appears to be additional periods (".").  
As per Claims 10 and 21, it appears to be an "an" in front of *application*.  
Appropriate correction is required.
7. Claims 8, 10, 19 and 21 are objected to because of the following informalities: the wording of the claims suggests a Markush grouping, however applicant improperly recites the list in the alternative form by employing the conjunction or. Appropriate correction is required. See MPEP 2173.05(h).

### Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
9. Claims 6, 8, 10, 19, 21 and 23-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
10. As per Claim 6, the limitation *where in said competency lens* is vague and indefinite. This term is not defined by the claim. For the purposes of this examination, *competency lens* will be interpreted as strategies to solve a problem. Appropriate correction is required.

Art Unit: 4143

11. As per Claims 8 and 19, the limitations ...*collaborations comprise consolidator/server, processor, gatekeeper, controller, or analyzer collaborations* are vague and indefinite. The limitation does not define the metes and bounds of the invention and does not further the limits of the claimed invention.
12. As per Claims 10 and 21, the limitations ... *each as either an application enhancement, new application, application reduction, or business process only...* are vague and indefinite. The limitation does not define the metes and bounds of the invention and does not further the limits of the claimed invention.
13. As per Claims 23-25, the limitations *including deploying process software for operating a business, said deployment comprising; including integrating process software for operating a business, said integration comprising and deploying, accessing, and executing process software for operating a business, said method further comprising*, as written examiner is unclear as to whether applicant is intending to claim a system or method. For the purposes of this examination, those limitations will be interpreted as method steps. Examiner suggests that those limitations should probably be written as "further comprising, the steps of deploying process software, said deploying comprising." Appropriate correction is required.

#### Claim Rejections - 35 USC § 101

14. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

15. Claim 22 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 22 is rejected under 35 U.S.C. 101 because the claimed invention is directed to neither a "process" nor a "machine," but rather embraces or overlaps two different statutory classes of invention set forth in 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only. See *Ex parte Lyell*, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990), at 1551. See also MPEP 2173.05(p)(11).

### Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

18. Claims 1-2, 6-7, 9-13, 17-18 and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Northcott et al (US 2003/0167198 A1) hereinafter "Northcott" in view of Lindsay-Scott et al (US 2004/0117234 A1) hereinafter "Lindsay-Scott".

**Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in

preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**Claims 1 and 22-25:**

Northcott as shown, discloses the following limitations:

- *building a map of components of activities* (see at least page 1, ¶ 0008: "...the step of generating a map of a process for addressing the identified target customer need state comprises identifying a representative process currently addressing the identified target customer need state and generating a map for the representative process", which teaches that a map is generated representing a process);
- *filtering said map of components to form a heat map of selected components* (see at least page 1, ¶ 0008: "The step of identifying a potential point of intervention may comprise selecting a potential target task from the tasks in the representative process map..." which teaches a selection of a potential target task (e.g. heat map) from the representative process map (e.g. map of components));
- *defining attributes for said selected components, based on a competency lens* (see at least page 1, ¶ 0008: "The potential target task may be mapped into a network of one or more subtask", by mapping the tasks of the potential target its attributes are defined. It is implicitly disclosed that the mapping is based on a competency lens since in order to be able to map it is necessary to be able to determined some sort of evaluation criteria.);
- *defining a roadmap of tasks for implementing said quick hits and investment opportunities* (see at least page 1, ¶ 0008: "A list of one or more projected customer needs may be generated based at least in part upon the projected customer problem list. The step of generating the projected customer needs list may comprise identifying customer needs that correspond to business opportunities for reducing cost or improving outcomes, or both" and "the step of generating the



projected customer needs list may comprise identifying customer needs associated with specific tasks and focused on reducing cost or improving outcomes, or both” which teaches that in order to implement the projected customer needs, a list of task is generated);

Northcott does not disclose the following limitation, however Lindsay-Scott as shown, does:

- *identifying collaborations for said selected components* (see at least page 3, ¶ 0029: “Next the CMA analyzes the role and flow of the business critical information and their associated transactions within the major value chain processes across organizational groups within the organization to develop a set of modifications to the major value chain processes for achieving an optimized flow”, which teaches that analyzing the role and flow of the business critical information across the organization, any conflict between departments are analyzed, then collaborations are identified in order to accomplish a determined heat map without complications.);
- *building a business component solution stack using said heat map, said attributes, and said collaborations* (see at least page 2, ¶ 0021: “The Business Case development component service calculates paybacks and benefits by reviewing the current situation and identifying performance gaps. Metrics are selected and solutions are identified in terms of business processes and technical components and a vision is developed of the future business context”, which teaches that solutions are created based on the business’ future vision);
- *developing quick hits and investment opportunities from said solution stack* (see at least page 2, ¶ 0019: “The Content Strategy development component service is used to identify, prioritize and manage content-related initiatives--highlighting opportunities, summarizing benefits and planning project implementation”, which teaches that this component identify opportunities, since it is implicitly disclosed that opportunities can be short or long term projects depending of the business’ need);

- *and implementing said roadmap for said business* (see at least page 2, ¶ 0019: “[0019] The Content Strategy development component service is used to identify, prioritize and manage content-related initiatives--highlighting opportunities, summarizing benefits and planning project implementation. The Content Strategy service helps clients to identify and manage a program of content-related initiatives across their organization, including the business case, prioritization and implementation planning” which teaches that the Content Strategy development component service is use to implement the planning project, since it is implicitly disclosed that in order to implement a project, a detailed plan must be determined);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the identifying potential business opportunities method of Northcott with the system and method for content management assessment as taught by Lindsay-Scott because “the system and method for CMA can provide customer benefits such as: identifying solutions and an action plan for: reducing time to market; faster and higher quality customer responses; lower transaction costs due to improved communication; more relevant, timely and accurate information; more repurposing of flexible content through inter-system communication; information sharing at lower cost; multi-sourced information personalized through a single access point; conformance information as a product of normal business processes.” (Lindsay-Scott, see at least page 4, ¶ 0030).

**Claim 11:**

Northcott as shown, discloses the following limitations:

- *building a map of client components of activities*(see at least page 1, ¶ 0008: “...the step of generating a map of a process for addressing the identified target customer need state comprises identifying a representative process currently addressing the identified target customer need state and generating a map for the representative process”, which teaches that a map is generated representing a process);

- *filtering said map of components to form a heat map of selected components* (see at least page 1, ¶ 0008: “The step of identifying a potential point of intervention may comprise selecting a potential target task from the tasks in the representative process map...” which teaches a selection of a potential target task (e.g. heat map) from the representative process map (e.g. map of components));
- *defining attributes for said selected components, based on a client competency lens* (see at least page 1, ¶ 0008: “The potential target task may be mapped into a network of one or more subtask”, by mapping the tasks of the potential target its attributes are defined. It is implicitly disclosed that the mapping is based on a competency lens since in order to be able to map it is necessary to be able to determined some sort of client evaluation criteria.);
- *and defining a client business roadmap of tasks for implementing said quick hits and investment opportunities* (see at least page 1, ¶ 0008: “A list of one or more projected customer needs may be generated based at least in part upon the projected customer problem list. The step of generating the projected customer needs list may comprise identifying customer needs that correspond to business opportunities for reducing cost or improving outcomes, or both” and “the step of generating the projected customer needs list may comprise identifying customer needs associated with specific tasks and focused on reducing cost or improving outcomes, or both” which teaches that in order to implement the projected customer needs, a list of task is generated);

Northcott does not disclose the following limitation, however Lindsay-Scott as shown, does:

- *identifying collaborations for said selected components* (see at least page 3, ¶ 0029: “Next the CMA analyzes the role and flow of the business critical information and their associated transactions within the major value chain processes across organizational groups within the organization to develop a set of modifications to the major value chain processes for achieving an optimized flow”, which teaches

that analyzing the role and flow of the business critical information across the organization, any conflict between departments are analyzed, then collaborations are identified in order to accomplish a determined heat map without complications.);

- *building a business component solution stack using said heat map, said attributes, and said collaborations* (see at least page 2, ¶ 0021: “The Business Case development component service calculates paybacks and benefits by reviewing the current situation and identifying performance gaps. Metrics are selected and solutions are identified in terms of business processes and technical components and a vision is developed of the future business context”, which teaches that solutions are created based on the business’ future vision);
- *developing quick hits and investment opportunities from said solution stack* (see at least page 2, ¶ 0019: “The Content Strategy development component service is used to identify, prioritize and manage content-related initiatives--highlighting opportunities, summarizing benefits and planning project implementation”, which teaches that this component identify opportunities, since it is implicitly disclosed that opportunities can be short or long term projects depending of the business’ need);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the identifying potential business opportunities method of Northcott with the system and method for content management assessment as taught by Lindsay-Scott because “the system and method for CMA can provide customer benefits such as: identifying solutions and an action plan for: reducing time to market; faster and higher quality customer responses; lower transaction costs due to improved communication; more relevant, timely and accurate information; more repurposing of flexible content through inter-system communication; information sharing at lower cost; multi-sourced information personalized through a single access point; conformance information as a product of normal business processes.” (Lindsay-Scott, see at least page 4, ¶ 0030).

**Claims 2 and 13:**

The combination Northcott/Lindsay-Scott discloses the limitations of Claims 1 and 11, as shown above. Furthermore, Lindsay-Scott as shown, discloses the following limitation:

- *wherein said activities are supported by appropriate processes, applications* (see at least page 3, ¶ 0028: “The CMA achieves these goals by targeting the reduction of time to market for client product and services; shortening of lead-times; improvement in management of information assets; enhancement of market communications; improvement of knowledge sharing; development and application of risk management practices”, which teaches some appropriate processes and the improvement in management of information assets implicitly teaches the use of software applications, this correspond to activities supported by applications);
- *infrastructure*, (see at least page 3, ¶ 0028: “Content Management enables process innovation and change by managing and distributing information across multiple environments and media”, it is implicitly taught that an infrastructure is in place in order to manage and distribute information);
- *and metrics* (see at least claim 5: “...developing a set of metrics for measuring the flow of the business critical information and their associated transactions through the major value chain processes across the organizational groups within the organization”);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the identifying potential business opportunities method of Northcott with the system and method for content management as taught by Lindsay-Scott because “the system and method for CMA can provide customer benefits such as: identifying solutions and an action plan for: reducing time to market; faster and higher quality customer responses; lower transaction costs due to improved communication; more relevant, timely and accurate information; more repurposing of flexible content through inter-system communication; information sharing at lower

cost; multi-sourced information personalized through a single access point; conformance information as a product of normal business processes.” (Lindsay-Scott, see at least page 4, ¶ 0030).

**Claim 6:**

The combination Northcott/Lindsay-Scott discloses the limitations of Claim 1, as shown above.

Furthermore, Lindsay-Scott as shown, discloses the following limitation:

- *wherein said competency lens* (see at least page 2, ¶ 0017: “...an overall strategy”, which teaches possible strategies to solve a problem);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the identifying potential business opportunities method of Northcott with the system and method for content management as taught by Lindsay-Scott because “The Content Strategy development component service is used to identify, prioritize and manage content-related initiatives—highlighting opportunities, summarizing benefits and planning project implementation.” (Lindsay-Scott, see at least page 2, ¶ 0019) Furthermore Lindsay-Scott teaches that “the Content Strategy service helps clients to identify and manage a program of content-related initiatives across their organization, including the business case, prioritization and implementation planning.”(Lindsay-Scott, see at least page 2, ¶ 0019).

**Claims 7 and 18:**

The combination Northcott/Lindsay-Scott discloses the limitations of Claims 1 and 11, as shown above. Furthermore, Lindsay-Scott as shown, discloses the following limitation:

- *wherein said collaborations comprise dynamic collaborations between said selected components* (see at least page 3, ¶ 0029: “Next the CMA analyzes the role and flow of the business critical information and their associated transactions within the major value chain processes across organizational groups within the organization to develop a set of modifications to the major value chain processes for achieving an optimized flow”, which teaches that CMA analyze and consider the role and flow of the value chain processes and information though all the organizational groups.)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the identifying potential business opportunities method of Northcott with the system and method for content management assessment as taught by Lindsay-Scott because “the system and method for CMA can provide customer benefits such as: identifying solutions and an action plan for: reducing time to market; faster and higher quality customer responses; lower transaction costs due to improved communication; more relevant, timely and accurate information; more repurposing of flexible content through inter-system communication; information sharing at lower cost; multi-sourced information personalized through a single access point; conformance information as a product of normal business processes.” (Lindsay-Scott, see at least page 4, ¶ 0030).

**Claims 9 and 20:**

The combination Northcott/Lindsay-Scott discloses the limitations of Claims 1 and 11, as shown above. Furthermore, Northcott as shown, discloses the following limitation:

- *wherein said solution stack is built using revenue levers and cost levers* (see at least column 12, ¶ 0147: “In sum the above described methods enable new business and product opportunities to be identified particularly in areas in which an entity may not have significant prior experience. It creates the opportunity to find business opportunities in areas that are “New Markets” as well as those that are new to the entity employing this process. These methods provide a systematic way to explore markets without prejudice and to understand customer needs from the outset”, which teaches that new business and product opportunities (e.g. solution stack) are identified considering in how to penetrate a new market (e.g. a revenue lever), how to develop a marketing campaign for the new market in order to catch the attention of new customers (e.g. a cost lever).

**Claims 10 and 21:**

The combination Northcott/Lindsay-Scott discloses the limitations of Claims 1 and 11, as shown above. Furthermore, Northcott as shown, discloses the following limitation:

- *wherein said quick hits and investment opportunities are developed by categorizing each as either an application enhancement, new application, application reduction, or business process only (see at least page 12, ¶ 0148: by defining the business objectives "...the algorithms may be implemented in assembly or machine language, if desired", which it is implicitly disclosed that by implementing the algorithms in a software application it seem as an application enhancement or a new application per se);*

**Claim 12:**

The combination Northcott/Lindsay-Scott discloses the limitations of Claim 11, as shown above. Furthermore, Lindsay-Scott as shown, discloses the following limitation:

- *further comprising the step of implementing said client business roadmap for said client (see at least page 2, ¶ 0019: "[0019] The Content Strategy development component service is used to identify, prioritize and manage content-related initiatives—highlighting opportunities, summarizing benefits and planning project implementation. The Content Strategy service helps clients to identify and manage a program of content-related initiatives across their organization, including the business case, prioritization and implementation planning" which teaches that the Content Strategy development component service is use to implement the planning project, since it is implicitly disclosed that in order to implement a project, a detailed plan must be determined);*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the identifying potential business opportunities method of Northcott with the system and method for content management assessment as taught by Lindsay-Scott because "the system and method for CMA can provide customer benefits such as: identifying solutions



and an action plan for: reducing time to market; faster and higher quality customer responses; lower transaction costs due to improved communication; more relevant, timely and accurate information; more repurposing of flexible content through inter-system communication; information sharing at lower cost; multi-sourced information personalized through a single access point; conformance information as a product of normal business processes.” (Lindsay-Scott, see at least page 4, ¶ 0030).

**Claim 17:**

The combination Northcott/Lindsay-Scott discloses the limitations of Claim 11, as shown above. Furthermore, Northcott as shown, discloses the following limitation:

- *wherein said competency lens is an evaluation criteria to be applied to said heat map* (see at least page 1, ¶ 0008: “The potential target task may be mapped into a network of one or more subtask”, by mapping the tasks of the potential target its attributes are defined. It is implicitly disclosed that the mapping is based on a competency lens since in order to be able to map it is necessary to be able to determined some sort of client evaluation criteria.);

19. Claims 3, 5, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Northcott and Lindsay-Scott in view of Kaliski, Burton S; **Encyclopedia of Business and Finance**; New York Macmillan Reference USA, Gale Group, 2001, pages: 38, 70 and 199, hereinafter “Kaliski”.

**Claims 3 and 14:**

The combination of Northcott/Lindsay-Scott discloses the limitations as shown in claims 1 and 11, respectively. The combination of Northcott/Lindsay-Scott does not disclose the following limitation, however Kaliski as shown, does:

- *wherein said components are individually scalable and extensible* (see at least page 38, Artificial Intelligence, 1<sup>st</sup> ¶: “Businesses require flexible manufacturing and software design aids to maintain their leadership position in information technology, and to regain it in manufacturing”, which teaches that to be successful and

profitable, the business activities have to be flexible and adaptable to any change in the business environment in order to keep their position in the market);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the identifying potential business opportunities method of Northcott with the system and method for content management assessment as taught by Lindsay-Scott with Kaliski Encyclopedia of Business and Finance, because the business environment change constantly and in order to keep up in the business market, all business activities need to be flexible and adaptable. When a change happens, this flexibility will help to be more cost effective and will increase profitability since these activities will adjust and align in a faster way to the new business objectives.

**Claims 5 and 16:**

The combination of Northcott/Lindsay-Scott discloses the limitations as shown in claims 1 and 11, respectively. The combination of Northcott/Lindsay-Scott does not disclose the following limitation, however Kaliski as shown, does:

- *wherein said filtering is revenue filtering wherein revenue allocation determines a percentage share of overall revenue based on organizational budget and relative comparison of said selected components* (see at least page 199, Types of Allocation: "...allocation typically are based on one of the following criteria: cause-and-effect, benefits derived, fairness, or ability to bear. The selection of a criterion can affect the selection of a basis" which teaches allocation is a method to establish priorities among the items in an organization, which it is implicitly disclosed that to allocate revenues will use the same allocation methods used to allocate costs based on the selection criteria. Allocate revenues as a percentage share across the business activities based on established criteria(e.g. budget, comparison between projects) will cause an effect in order to achieve an expected result);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the identifying potential business opportunities method of Northcott with the

system and method for content management assessment as taught by Lindsay-Scott with Kaliski Encyclopedia of Business and Finance, because by allocating the revenues as a percentage share based on the organizational budget, which is “a quantitative plan of operations that identifies the resources needed to fulfill the organization’s goals and objectives”(Kaliski, page 70, 2<sup>nd</sup> ¶) will led to expected results to the areas of business activities where the percentage share is applied, since these business activities are aligned with the business objectives and goals.

20. Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Northcott and Lindsay-Scott in view of Morgan et al (US 5,799,286) hereinafter “Morgan”.

**Claims 4 and 15:**

The combination of Northcott/Lindsay-Scott discloses the limitations as shown in claims 1 and 11, respectively. The combination of Northcott/Lindsay-Scott does not disclose the following limitation, however Morgan as shown, does:

- *wherein said filtering is cost filtering wherein cost is allocated to all components based on FTE’s and direct cost charges by support units (see at least Figure 19, which teaches a block diagram of the report drill-down functions, including total expenses, full time equivalents and components, such as people, equipment, facilities and overhead cost, and Column 9, Table B, which illustrates how the activity cost for each employee and direct cost are determined from the total cost of each job category and the activity percentages);*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the identifying potential business opportunities method of Northcott with the system and method for content management assessment as taught by Lindsay-Scott with the automated activity-based management system of Morgan, because “Based on the activity costs and the output resulting from the activities, the value of activities performed by an organization can be accurately determined. According to the activity costs, the activities can be prioritized to emphasize valuable activities and de-emphasize or eliminate wasteful or unnecessary activities.

Resources such as facilities and equipment can also be better utilized.” (Morgan, see at least column 2, lines 51-58).

21. Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Northcott and Lindsay-Scott in view of Ahamparam et al (US 2003/0135399 A1) hereinafter “Ahamparam”.

**Claims 8 and 19:**

The combination of Northcott/Lindsay-Scott discloses the limitations as shown in claims 1 and 11, respectively. The combination of Northcott/Lindsay-Scott does not disclose the following limitation, however Ahamparam as shown, does:

- *wherein said collaborations comprise consolidator/server, processor, gatekeeper, controller, or analyzer collaborations* (see at least Figure 8 and pages 7-8, ¶¶ 0077-0079: which teaches that “Processing step 820 utilizes the input information to determine, for example, sufficient opportunities to streamline the project lifecycle, the appropriate number and type of value checkpoints, and appropriate stages for conducting the value checkpoints within the project lifecycle. In addition, processing step 820 utilizes the input information to verify that the plan remains robust and meets the criteria to achieve the project's objectives” where processing step (e.g. analyzer) analyze the information and “verify that the plan remains robust and meets the criteria to achieve the project's objectives” (e.g. targets), and after “defining the customized project path and associated value checkpoints, the customized project management step seeks to manage the value checkpoints”, where the value checkpoints (e.g. controller) “include a series of gates that allow a project to advance, subject it to higher levels of scrutiny and/or mitigation activities, or terminate the project.” Also, “...the input includes a risk index which defines the risk of the project...” which are considered as system rating to identify the complexity of the project);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the identifying potential business opportunities method of Northcott with the system and method for content management assessment as taught by Lindsay-Scott with the system and method for project optimization of Ahamparam because “facilitates the creation of integrated customer solutions that deliver superior product quality and servicing and cross-functional business focuses that seek cooperation and increased speed and value” and “facilitates clear consensus on accountabilities that promotes speed in decision-making and execution, and effective oversight of complex, cross-organizational and/or high risk projects.” (Ahamparam, see at least page 7, ¶ 0073). Furthermore, Ahamparam teaches “efficiencies are achieved as project failures are identified and stopped where associated funds are then diverted to other more profitable projects.” (Ahamparam, see at least page 8, ¶ 0082).

### **Conclusion**

**22.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Wong et al (US 2001/0049615 A1) discloses a method and apparatus for dynamic business management.
- Broderick et al (US 2002/0128895 A1) discloses a project management method for optimizing information technology resources.
- Adler (US 2002/0169658 A1) discloses a system and method for modeling and analyzing strategic business decisions.
- Kaiser et al (US 2003/0074240 A1) discloses a method for developing a strategic customer-value-driven plan to create a high growth business opportunities.
- Kimbrel et al (US 2003/0105655 A1) discloses a dynamic resource allocation using projected future benefits.
- Vogel et al (US 2004/0162748 A1) discloses a generating resource allocation action plan.
- Vogel et al (US 2004/0162749 A1) discloses a rationalizing a resource allocation.
- Vogel et al (US 2004/0162753 A1) discloses a resource allocation management and planning.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Nadja Chong** whose telephone number is **570.270.3939**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **JAMES A. REAGAN** can be reached at **571.272.6710**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

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15 February 2008

/James A. Reagan/Supervisory Patent Examiner, Art Unit 4143